

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

PUERTO RICO FARM CREDIT, ACA

Plaintiff

vs

CIVIL 11-1739CCC

MARIO OSCAR GARCIA-QUINTERO, his
wife ANUNCIATA INCERA-ARAOZ and the
conjugal partnership constituted between
them; MIRIAM RUIZ-ALFONSO; HIRAM
CALVO-RUIZ; LUIS CALVO-RUIZ; MARIA
CALVO-RUIZ; and IVONNE CALVO-RUIZ

Defendants

DEFAULT JUDGMENT

Upon plaintiff's application for Judgment, and it appearing from the records of the above-entitled cause that default was entered by the Clerk of this Court against defendants Miriam Ruiz-Alfonso, Hiram Calvo-Ruiz, Ivonne Calvo-Ruiz, Luis Calvo-Ruiz, María Calvo-Ruiz, Mario Oscar García-Quintero, Anunciata Incera-Araoz and the conjugal partnership García-Incera, against which defendants plaintiff is entitled to a judgment by default, and the Court being fully advised in the premises,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that:

1. The mortgage constituted by Hiram Calvo-Moné and Miriam Ruiz-Alfonso by Deed Number 161 before Notary Public Tomás E. Vivoni on November 18, 1985, securing a mortgage note, payable to the order of the Federal Land Bank of Baltimore, is a valid and subsisting mortgage and constitutes a lien prior to the estate or interest of the defendants in the above cause, on the mortgaged premises, as described in paragraph eleven (11) of the Complaint on file in the above cause, to wit:

PROPERTY "A"

RUSTICA: Porción de terreno radicada en el Barrio Rancheras del término Municipal de Yauco, Puerto Rico, de cabida de TREINTA Y CUATRO CUERDAS CON NOVENTA Y SIETE CENTIMOS DE OTRA (34.97 cds.), y colindante por el NORTE, con terrenos de donde se segregó, y los de Dionisio

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Candelaria, los de Francisco Hernández, los de la Sucesión de Cecilio Román: por el SUR, con los Predios I y A, con Francisco Sánchez, por el ESTE, con la Carretera Número Trescientos Setenta y Uno (371) y con el remanente de la finca principal, y por el OESTE, con terrenos de Francisco Martínez y la Quebrada Grande, con terrenos de Francisco Hernández y los de la Sucesión de Cecilio Román-

Esta finca es el remanente de una finca de TREINTA Y SIETE CUERDAS (37.00 cds.).

2. The mortgage that encumbers this property is recorded at page 219 of volume 244 of Ponce, tenth (10th) inscription of property number 2,494, Registry of Property, Second Section of Ponce. This property responds for \$26,400.00 of the mortgage.

PROPERTY "B"

RUSTICA: Porción de terreno radicada en el Barrio Rancheras del Municipio de Yauco, Puerto Rico, de cabida de CUARENTA CUERDAS (40.00 cds.), y colindante por el NORTE, con terrenos de Berto Santiago, por el SUR, con terrenos de Hiram Calvo-Moné, por el ESTE, con terrenos de Benicio Collado-Gómez y con la Carretera Estatal Número Trescientos Setenta y Uno (371), y por el OESTE, con terrenos de la Sucesión de Simeón Altagracia.

The mortgage that encumbers this property is recorded at page 201 of volume 234 of Yauco, fifth (5th) inscription of property number 7,897, Registry of Property, Second Section of Ponce. This property responds for \$25,300.00 of the mortgage.

PROPERTY "C"

RUSTICA: Porción de terreno radicada en el Barrio Rancheras del Municipio de Yauco, Puerto Rico, con una cabida de DIEZ CUERDAS (10.00 cds.), y colindante por el NORTE, con terrenos de Pablo Roura, al SUR, con terrenos de Leonardo Lugo y los de Pablo Mattei; por el ESTE, con el Camino que conduce a Maricao y terrenos de Pablo Mattei, y por el OESTE, con terrenos de Francisco Torres.

The mortgage that encumbers this property is recorded at page 291 of volume 208 of Yauco, eighth (8th) inscription of property number 2,579, Registry of Property, Second Section of Ponce. This property responds for \$3,300.00 of the mortgage.

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3. That plaintiff Puerto Rico Farm Credit, ACA, a corporation existing under the Act of Congress known as the Agricultural Credit Act of 1987, 12 U.S.C.A. 2001, is a federally chartered instrumentality of the United States of America.

4. That defendant Miriam Ruiz-Alfonso, as subscriber of the mortgage note and the Deed of Mortgage hereinbefore referred to; defendants Hiram Calvo-Ruiz, Ivonne Calvo-Ruiz, Luis Calvo-Ruiz, María Calvo-Ruiz, as legal heirs of Hiram Calvo-Moné; defendants Mario Oscar García-Quintero, Anunciata Incera-Araoz and the conjugal partnership García-Incera, as present owners of the mortgaged property described above, are hereby ordered and adjudged to pay unto the plaintiff Puerto Rico Farm Credit, ACA, the following amounts: \$10,431.96 of principal; plus \$11.65 in late charges; plus \$367.47 accrued interest on principal as of May 6, 2011, plus interest on unmatured principal accruing thereafter at the rate of 4.75% equivalent to \$1.26 daily until the date of its full payment, less \$412.75 of unapplied payments, plus the sum of \$5,500.00 as a fixed and liquid amount for the costs, expenses and attorneys fees.

5. In default of the payment of the sums hereinbefore specified or of any part thereof, within fourteen (14) days from the date of entry of this judgment, the mortgaged property described in paragraph one (1) hereof, shall be sold at public auction to the highest bidder therefore, without an appraisal or right of redemption for the payment and satisfaction of plaintiff's mortgage within the limits secured thereby.

6. José Gallart, Esq. and/or Angelique Doble-Bravo, Esq. is hereby designated and appointed Special Master to make the sale hereinbefore mentioned but said Special Master shall not proceed to carry out the said sale, nor do anything in connection therewith, until further order of this Court and under the form and conditions to be directed by this Court.

7. The sale to be made by the Special Master appointed herein shall be subject to the confirmation of this Court, and the purchaser or purchasers thereof shall be entitled

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to receive possession of the property sold. The minimum bid to be accepted at the first public sale in accordance with the mortgage deed referred to in this auction is \$55,000.00, that is, \$26,400.00 for Property A, \$25,300.00 for Property B and \$3,300.00 for Property C. For the second public sale, the minimum bid is \$36,666.66, that is \$17,600.00 for Property A, \$16,866.66 for Property B, and \$2,200.00 for Property C. For the third public sale, the minimum bid is \$27,500.00, that is \$13,200.00 for Property A, \$12,650.00 for Property B, and \$1,650.00 for Property C.

8. Any fund derived from the sale to be made in accordance with the terms of this Order and such further orders of this Court shall be applied as follows:

(a) To the payment of all proper expenses attendant upon said sale, including the expenses, outlays and compensation of the Special Master appointed herein, after the said compensation and expenses shall have been fixed and approved by the Court, all said expenses to be deducted from the sum of \$5,500.00, provided in the deed of mortgage for costs, charges and disbursements, expenses and attorney's fees.

(b) To the payment of all expenses or advances made by the plaintiff for an amount not to exceed \$5,500.00.

(c) To the payment of that part of the indebtedness owed to plaintiff up to the amount of \$10,431.96 of principal; plus \$11.65 in late charges; plus \$367.47 accrued interest on principal as of May 6, 2011, plus interest on unmatured principal accruing thereafter at the rate of 4.75% equivalent to \$1.26 daily until the date of its full payment, less \$412.75 of unapplied payments, plus the sum of \$5,500.00 as a fixed and liquid amount for the costs, expenses and attorneys fees.

(d) If after making all the above payments there shall be a surplus, said surplus shall be delivered to the Clerk of this Court, subject to further orders of the Court.

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9. Plaintiff in these proceedings may apply to this Court for such further orders as it may deem advisable to its interests, in accordance with the terms of this judgment.

SO ORDERED.

At San Juan, Puerto Rico, on November 17, 2011.

S/CARMEN CONSUELO CEREZO
United States District Judge